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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,

10 Plaintiff,

11 v.

12 Scott Patrick Knox,

13 Defendant.  
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No. CR-24-1559-PHX-SPL

**FINDINGS AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE UPON A  
PLEA OF GUILTY AND ORDER**

15 TO THE HONORABLE STEVEN P. LOGAN, U.S. DISTRICT JUDGE:

16 Upon the Defendant's request to enter a plea of guilty pursuant to Rule 11 of the  
17 Federal Rules of Criminal Procedure, this matter came on for hearing before U.S.  
18 Magistrate Judge Deborah M. Fine on October 18, 2024, with the written consent of the  
19 Defendant, counsel for the Defendant, and counsel for the United States of America.

20 The Magistrate Judge accepted the Defendant's waiver of indictment after inquiring  
21 about the Defendant's understanding of the right to prosecution by indictment. The  
22 Defendant's written waiver constitutes a part of the plea agreement lodged with the Court.  
23 Thereafter, the matter came on for a hearing on the Defendant's plea of guilty in full  
24 compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate  
25 Judge in open court and on the record.

26 In consideration of that hearing and the statements made by the Defendant under  
27 oath on the record and in the presence of counsel, and the remarks of the Assistant United  
28 States Attorney and of counsel for the Defendant,

1           **I FIND** as follows:

2           (1)     that the Defendant understands the nature of the charge against the Defendant  
3     to which the plea is offered and the elements of the offense to which the Defendant is  
4     pleading guilty;

5           (2)     that the Defendant understands the right to trial by jury, to persist in a plea  
6     of not guilty, to the assistance of counsel at trial and at every other stage of the proceedings,  
7     to confront and cross-examine adverse witnesses, to present evidence, to compel the  
8     attendance of witnesses, and the right against compelled self-incrimination;

9           (3)     that the Defendant understands the maximum possible penalty for the offense  
10    to which the Defendant is pleading guilty, including imprisonment, fine and supervised  
11    release; that the Defendant understands the effect of the supervised release term and any  
12    forfeiture provision; and that the Defendant understands the Court's authority to order  
13    restitution and its obligation to impose a special assessment;

14          (4)     that the Defendant understands the Court's obligation to calculate the  
15    applicable sentencing guideline range and to consider that range, possible departures under  
16    the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a); and  
17    that the Defendant understands that the sentencing guidelines are advisory, not mandatory,  
18    and that the Court may sentence outside those guidelines;

19          (5)     that the plea of guilty by the Defendant has been knowingly and voluntarily  
20    made and is not the result of force or threats or of promises apart from the plea agreement  
21    between the parties;

22          (6)     that the Defendant is competent to plead guilty;

23          (7)     that the Defendant understands that the Defendant's statements under oath  
24    may later be used against the Defendant in a prosecution for perjury or false statement;

25          (8)     that the Defendant understands that by pleading guilty the Defendant waives  
26    the right to a jury trial;

1           (9)     that the Defendant understands the terms of any plea agreement provision  
2     waiving the right to appeal or to collaterally attack the sentence, and has knowingly,  
3     intelligently and voluntarily waived those rights;

4           (10)    that the Defendant is satisfied with counsel's representation; and

5           (11)    that there is a factual basis for the Defendant's plea.

6           **I RECOMMEND** that the Court accept the Defendant's plea of guilty.

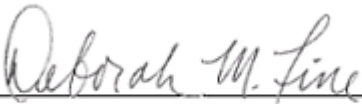
7           **IT IS ORDERED** that any objection to the guilty plea proceedings and any request  
8     for supplementation of those proceedings be made by the parties in writing and shall be  
9     specific as to the objection or request made. All objections or requests for supplementation  
10    shall be filed within fourteen (14) days of the date of service of a copy of these findings  
11    unless extended by an Order of the assigned district judge.

12          **IT IS FURTHER ORDERED** that any letters, documents, or other matters the  
13     Defendant would like the sentencing judge to consider before sentencing (including the  
14     English translation of any writings not in English) must be submitted in paper form with  
15     the original to the probation office and copies to the sentencing judge and opposing counsel  
16     no later than five (5) business days prior to the sentencing date or they may be deemed  
17     untimely by the sentencing judge and not considered. No more than ten (10) character  
18     letters shall be submitted by defense counsel, unless otherwise ordered by the Court.  
19     Character letters shall not be mailed directly to the sentencing judge by any family  
20     members or other persons writing in support of the Defendant. Character letters or a notice  
21     of service of such letters shall not be filed electronically unless otherwise ordered by the  
22     Court.

23          **IT IS FURTHER ORDERED** that any motions for upward or downward  
24     departures or any sentencing memoranda must be filed at least seven (7) business days  
25     prior to the sentencing date. Responses are due three (3) business days prior to the  
26     sentencing date. Any motion to continue sentencing must be filed promptly upon discovery  
27     of the cause for continuance and must state the cause with specificity. Motions to continue  
28     sentencing filed less than fourteen (14) days before sentencing are disfavored. If either

1 party intends to call a speaker at sentencing, other than the Defendant, counsel must notify  
2 the Courtroom Deputy at least three (3) business days in advance.

3 Dated this 18th day of October, 2024.

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6 Honorable Deborah M. Fine  
7 United States Magistrate Judge  
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